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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,327	03/06/2000	Upendra V. Chaudhari	YOR-2000-0006	8814

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09/30/2002

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EXAMINER

DORVIL, RICHEMOND

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/519,327

Applicant(s)

CHAUDHARI ET AL.

Examiner

Richemond Dorvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed February 26, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Reference C (5,717,826) has not been considered because it is not relevant to the subject matter of the present application.

### ***Drawings***

2. The corrected or substitute drawings were received on August 13, 2001. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 6, pronoun should not be used, rather the item referred to by "its" be set forth.

Claims 2-11 incorporate the problem of claim 1 by dependency.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picone et al., Patent No. 5,293,452 in view of Setlur et al., Patent No. 5,717,826.

As per claims 1, 12 and 23, Picone et al disclose an apparatus for verifying verbal utterances comprising:

a target password generator which generates at least one target password, (see col. 4, lines 43-51);

an acceptance arrangement which compares a verbal utterance to at least one target password, (see col. 4, lines 58-62, and Fig. 1, item 30).

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Picone et al. Fail to explicitly teach a system comprising an arrangement which compares text based on a verbal utterance to at least one target password sentence. However, this feature is well known in the art as evidenced by Setlur et al. which disclose a voice verification system comprising arrangement which compares text based on a verbal utterance to at least one target password sentence (see col. 2, lines 64-66 and col.3, lines 4-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Setlur et al. acceptance/rejection arrangement in Picone et al. system because Setlur et al. teach one of ordinary skill in the art the benefit of using this arrangement to allow reliable and secure automatic access to restricted system such as remote databases while reducing verification error rate.

As per claims 2 and 13, Setlur et al. disclose a system further comprising a decoder which transforms a verbal utterance into decoded text for being compared to the at least one target password, (see col.2, lines 64-65 and Fig. 2, item 206).

As per claims 7 and 18, Picone et al disclose a system wherein said target password generator is adapted to accept prompted text corresponding to at least one password, (see col. 4, lines 36-51).

As per claims 8 and 19, Picone et al disclose a system wherein said target password generator is adapted to automatically generates at least one password as a baseform that is derived form an acoustic enrollment, (see col. 2, lines 9-10; col. 4, lines 36-51).

As per claims 9-11, 20-22, Picone et al disclose a system wherein said acceptance arrangement is adapted to derive a match score based on comparing ..., (see Fig. 1, "scores").

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***Allowable Subject Matter***

8. Claims 3-6, 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richemond Dorvil whose telephone number is (703) 305-9645. The examiner can normally be reached on Tuesday-Friday 9:30AM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 308-5576. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 3059508 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Richemond Dorvil  
Primary Examiner  
Art Unit 2654

RD  
September 27, 2002